

**TOWN OF PITTSBORO  
PLANNING BOARD  
REGULAR MEETING  
MONDAY, MAY 7, 2007**

**THE MEETING WAS CALLED TO ORDER BY CHAIRMAN HOYLE AT 7:00 PM.**

**ATTENDANCE:** Ken Hoyle, Ethel Farrell, Jimmy Collins, Harold Howard, and Shannon Plummer.

**DISPOSITION OF THE MINUTES** of the Rescheduled Meeting of April 16, 2007.  
**Mr. Howard made a motion that the minutes be approved as presented. Mr. Plummer seconded the motion: it passed unanimously.**

Mr. Hoyle introduced the **Holt Commercial Site Plan**, indicating the Board had the plan and comments from Monroe. Monroe indicated that the reason for this application is that Mr. Holt is the owner of the property adjacent to this lot and he realized after he occupied his building that the elevation of the floor is lower than the elevation at the top of his driveway and stormwater runs down the drive and enters the building. In order to find a solution to that, he retained the services of Hydrostructures and they examined the possibility of putting a drain grate in front of the sidewalk to try to catch that stormwater before it enters the building and divert it to the back of the property. They decided that the best solution would be to close the driveway, remove the pavement and construct a retaining wall that will prevent stormwater from flowing down into the parking area. Mr. Holt has acquired the property to the north (3A) and seeks to have entrance to 3B from 3A and that would also provide him access to additional parking should he require it. Monroe said that in looking at the plan the only issues which require attention are that a Lighting Plan and a Landscaping Plan should be developed and that can be done as a condition of approval. In addition, an access easement should be developed and recorded to allow 3B to have access through 3A in the event that Mr. Holt, at some time in the future, chooses to sell 3A. Mr. Hoyle said there is no easement indicated on the plan. Monroe said that that can be a condition of approval.

**Ms. Farrell made a motion that the Board recommend approval with the condition that the Landscaping and Lighting Plans and the shared access agreement be submitted to Planner Monroe. Mr. Collins seconded the motion; it passed unanimously.**

Mr. Hoyle introduced the **Final Plat for Phase 2 of Powell Place**. Monroe identified the portion of Phase 2 which is left to be considered. He said that his memo indicated that we needed a statement of the percentage of work which has been completed. Mr. Oldham has provided a sealed statement and calculated the required bond amount. In addition, Mr. Powell has provided a warranty that they will maintain the roadway, waterlines and sewer lines. With these two pieces of information submitted to the town, the application satisfies the requirements of the subdivision regulations. Mr. Hoyle asked if this area was all the way in the back of the project. Monroe said that was correct.

**Mr. Howard made a motion that the Board recommend approval of Powell Place Phase 2. Mr. Plummer seconded the motion; it passed unanimously.**

Mr. Hoyle introduced **Powell Place Phase 3-Preliminary Plat**. Monroe said that several things will be accomplished with the development of Phase 3 and they are all very positive. The portion of Rock Springs Cemetery Road between Hwy 15-501 and Millbrook Drive will be paved and sidewalk will be installed on the north side. There will also be a water line brought down Millbrook Drive, go east along Rock Springs Cemetery Road and be connected back into the 16 inch line on 15-501 to create a loop and that will provide much improved fire flow.

Pete Domas from Hydrostructures reviewed this submittal and the primary reason there are comments on this plan is that the town has adopted a new set of standard specifications for water and sewer and Mr. Oldham was not aware of those, he designed to the specs he had which used to be in place. Mr. Oldham has been provided a copy of this memo and he has been given a copy of the revised standard specs so his work can again be consistent with town requirements.

Monroe said that if the Board wants to consider recommendation of this project tonight he suggested that they incorporate the recommendations from Hydrostructures memorandum.

Mr. Hoyle referred to Monroe's memo and discussed an item referring to roadway improvements shown on Sheet two. Monroe said that at the exit to Powell Place Lane onto Hwy. 15-501 the westerly most lane which will serve as an acceleration lane becomes a right turn only lane for Rock Springs Cemetery Road and Monroe is concerned that this could be confusing to drivers in the area. He asked that signage clearly identify that lane as a "Right Turn Only" lane.

Ms. Farrell asked if the plan had to come back before the Board or if it could be approved with conditions. Monroe said that it could be approved with conditions because those conditions would have to be satisfied on construction drawings.

Monroe said that DOT has awarded a contract to accomplish the roadway improvements that were required at the approval of Powell Place and Lowe's Home Improvement. Those improvements are acceleration and deceleration lanes and the construction of a traffic signal. Within the last two weeks DOT representatives have discovered that there is a wastewater sewer line that runs parallel to the line that goes into Powell Place that is at an elevation that conflicts with their need to construct a swale to manage stormwater from the highway. So they have put the contract on hold while they try to find a solution. Mr. Hoyle said that Monroe mentioned a sidewalk on the north side of the cemetery road and he asked if it would continue around the corner. Monroe said it would.

Mr. Hoyle asked where the park was to be. Monroe identified the "Civic Use" parcel at the northwest corner of Millbrook Drive and Rock Springs Cemetery Road.

**Ms. Farrell made a motion that the Board recommend approval with the conditions in the Monroe and Hydrostructures memos. Mr. Collins seconded the motion; it passed unanimously.**

Mr. Hoyle introduced the **Spoon Rezoning request**. Monroe said that this property was formerly a part of the commercial portion of the Bellemont Station MUPD. This property can be subdivided because it does have frontage on Lowe's Drive and, therefore, it does not constitute a major subdivision; if a street would have had to have been installed for

the property to have road frontage, then it would have been major and subject to the Moratorium.

The property was in the commercial portion of Belmont Station and had been approved for commercial activity. So there is no change in the intent of the use of this property. The division and the rezoning would simply allow Mr. Spoon to convey the property so it could be developed sooner rather than later.

Mr. Hoyle asked if this would be spot zoning. Monroe replied that it would not because it is adjacent to a C-2 district and the application seeks to extend that district slightly south. Mr. Hoyle asked for clarification of where this property is going to be. Mr. Spoon said it is past the Brewery and at the end of the road pavement. He said he had the property surveyed and it fits where he had laid a build to go up to the hotel site.

Mr. Hoyle said that his one major concern was that when the Board recommended approval of the MUPD plan some time ago; there was discussion about the compatibility of all the structures. He asked Mr. Spoon how he could control the appearance of a building on this site after it has been sold. Mr. Spoon said he would have covenants. Mr. Hoyle asked if he already had those drawn up. Mr. Spoon said he did not but that they would be done before a sale became final. Mr. Hoyle asked Mr. Spoon to provide a copy to the town. Mr. Spoon said he would.

Mr. Plummer asked Mr. Spoon what the building might look like. Mr. Spoon said he was going to try to keep the theme of the Brewery. He said he was going to keep the red brick trim, but there is difficulty with painting the awning and the steel beams on the underside so he may change that a little. He said that after he leases the rest of the Brewery building he is going to bring the town a proposal for a 30,000 square foot building going on the last outparcel next to Lowe's. And it will match the same scheme.

Mr. Plummer said it would be limited to 1800 gallons. Mr. Spoon said he understood, he said he thought it could be done for less than one thousand gallons.

Mr. Hoyle asked Monroe if he was concerned about setting a precedent because this is an MUPD and we are breaking it apart, but because it had been a commercial area, we are okay with that? Monroe said that is the basis for comfort, if this were in the south end of the project where it was clearly intended to be residential, it would be a concern.

**Mr. Howard made a motion to recommend approval of the rezoning and adopting the Resolution of Approval. Mr. Plummer seconded the motion; the motion passed unanimously.**

Mr. Hoyle introduced the amendment to Section 6.5 of the Subdivision Regulations-Rec Fees. Monroe indicated that this item was suggested by Mr. Messick, and the primary change he wanted to accomplish was to include Minor Subdivisions in the obligation to provide for recreation needs and to modify the way fees are calculated. He said that the way Mr. Messick drafted the language he felt that several important definitions had been omitted without his intending to. He said he resurrected those standards from the existing language and asked the Board to insert them into the language Mr. Messick had crafted. Essentially what they do is describe what conditions must be satisfied in order for the land to be deemed acceptable for recreational purposes.

Mr. Hoyle asked the difference between residential subdivision and family subdivision. Monroe said that a family subdivision is one that can be done by deed rather than plat. It is intended to be given to heirs or relatives who can demonstrate blood relationship.

Mr. Hoyle asked who was intended by Monroe's statement that the town shall decide whether to require dedication of land or accepting payment of a fee. Monroe said that would be the Commissioners.

Ms. Farrell asked what initiated this amendment. Monroe said he believed it was the result of Mr. Messick's involvement of the County's consideration of calculation of its recreation fees and he wanted the town to have a simpler method and he discovered the exclusion of minor subdivisions. Monroe said there are any number of minor subdivisions which occur during the course of a year and it is an administrative act so the Board is often not aware of it, and it represents the potential for a source of revenue for lots which will be developed upon and will have the potential need for recreational opportunities.

Ms. Farrell asked what would be the difference in the fees with this proposal. Monroe said that it probably wouldn't result in a difference in the actual fee; it just clarifies the means of calculating those fees. Of course, the town would now collect fees from minor subdivisions which it hadn't collected in the past, so that would represent a small increase. The current formula is kind of vague and it has been much simpler to take a dedication of land than to calculate the fee, and, in some cases, the Commissioners simply decided they didn't want the land since the town would have to maintain it; there was no provision for requiring a fee in lieu of dedication.

Mr. Howard asked if the fees would go into a special fund or the general fund. Monroe said the fees collected in this way have to be used for recreation. Monroe said that before the town redid the tennis courts we had about \$15,000 in that fund. Most of those fees were collected from Potterstone Village. Ms. Farrell asked if it is a one-time fee. Monroe it is usually paid by the phase based on the entire master plan. Mr. Howard asked if it is paid by the builder or the developer. Monroe said it is paid by the developer. Mr. Howard related how much the fee had gone up in the County over the course of a year. Monroe indicated that their fee is designed primarily for land acquisition and they have found there is no affordable land in Chatham worth developing into a park.

**Ms. Farrell made a motion that the Board recommend that the Commissioners approve this amendment. Mr. Collins seconded the motion; it passed unanimously.**

Mr. Hoyle introduced the Old Business **Pittsboro Place MUPD**. The Board is scheduled to discuss the Traffic Impact Analysis tonight. Monroe indicated that the Board has his memorandum and he thinks it would be appropriate to get a response from representatives of Pittsboro Place.

Mr. Styers asked if they could start with the Market Study discussion first he said that kind of puts the TIA in context. Monroe explained that the Market Analysis is to be found in the booklets right behind the Economic Impact Analysis. Mr. Styers said the Buxton Group is out of Texas so there is no one from that company here tonight.

Mr. Styers said that before he talks about the study he would like to recap what has happened in the last two weeks because there were a lot of things the Board asked them to do. For example, Ms. Farrell asked if they could represent that they had addressed every single issue about ordinance compliance and change your narratives to bring in specific MUPD requirements. He said they did that and he believes they have satisfied all the objective requirements of the ordinance. He said there had been some confusion about how many square feet they were going to have as maximum building at full buildout so they have inserted a chart that says this is the absolute maximum square footage and hope

this clears up that confusion. He said they are not going to build all of that at one time and the Board had asked for a phasing plan to show how we would build this over the next 8 to 12 to 16 years. He said they had submitted that phasing plan anticipating that every three or four years a phase would start. He said the Board also asked for a specific location for the park and arboretum. He said they have proposed adding five acres on to the south side of Tract B as part of Tract A. He said there would be picnic shelters and access off Industrial Drive and it ties into the greenway that runs along Robeson Creek. He said they have submitted those plans and amended their application since the last meeting, so that specific location is now a part of their application.

He said they had met with Cecil Wilson of the Fairgrounds about making sure an easement was in place for extending that greenway into downtown. Preliminary discussions with the Cemetery Association indicate that should not be a problem since we have easements for the upgrade of the wastewater lines and that can include a greenway. Also there was a meeting with Mr. Gainey and a representative of the Corps and Mr. Monroe was there to confirm that the wetland delineation was consistent with what had been submitted; and the Corps representative confirmed that orally. All of that has been done in the last two weeks.

Mr. Styers said that when they began early discussions with Mr. Monroe he indicated it would be a good idea to do a market analysis to demonstrate there was a demand. He said that probably the most respected market analyst in the nation is the group out of Texas called Buxton. He said they had been doing this for 20-25 years and they do it not only for developers but they do it primarily for retailers themselves that are looking for places to go and put their stores in shopping centers and they also represent about 250 communities wherein they advise them what the needs are for retail space.

Mr. Collins asked how many failures they have gotten into, everything can't be 100%.

Mr. Styers said that they forecast what the need is going to be down the road. He said he doesn't have an answer whether the forecast has been right or wrong, all he can say is they probably do it more and with the most respect of anybody in the industry. He said there is a certain amount of prognosticating in any report that is looking forward, but this is the group they rely upon.

Mr. Styers said one thing he could say with a high level of confidence is that when mixed use centers like this get built, they are not built on a speculative basis. Banks and investors are not going to build it until they get a commitment from a store saying we want to locate in your shopping center. Before they build a building for six stores they want to make sure they have got enough rented to make it worth their while. He said that is one reason they put in their phasing plan because this isn't going to be built and we wait and see if they are going to come. He said that in Buffalo, which is a shrinking town, you may see a shopping center in which the tenants aren't there any longer, but if you look at the new shopping centers that are being built here in North Carolina, the stores are wanting to find a place with a growing population to move to. So if there is nothing else that you take from tonight, this isn't going to be built unless there are tenants that want to move there. This is why Mr. Monroe asked us to find someone that is reputable to determine the need; they work for the stores.

What Buxton does is they take the Census data; they look at how many houses and how many people are located in that area. They look at what is the likely trade area, given their experience. He said right now folks in Pittsboro have to drive to the Streets at

Southpoint, Apex or Chapel Hill. Buxton estimates that people will drive about fifteen minutes to get to a facility like this. He said he thinks they probably underestimated it to the south and the west because those folks don't have a facility like this quite as accessible. Then Buxton says, in that Trade Area what are the characteristics of the homes and the people that are living there, and what type of services and restaurants do they want to have. He said that Buxton has customer profiles of about 4500 different types of retailers; they match those profiles in their computer model to the demographics and characteristics of the people who live in the trade area. Then, as they get enough concentration of population, given the characteristics of that population, they are able to determine how many square feet of commercial space could be supported in this area. Buxton reports that, currently, and given the current growth trends, and he thinks they have been way too conservative here, it did not include the Goodnight property, they think it will support anywhere from 1.3 to 2.3 million square feet of retail. He said these are people who might be shopping here but are going to Beaver Creek, Apex, Southpoint or Chapel Hill.

Mr. Collins said you say you feel like it, but what kind of assurance can you give it will stay that way. With all these large houses, he wonders where the people are coming from. Mr. Styers says that the Census data shows folks are moving here from New York or Detroit or Philadelphia and they are following jobs and those jobs are being created by businesses in the Triangle. Mr. Collins said that the schools are overloaded so that shows you that population is growing. Mr. Styers said the other thing being observed is that people are moving from the very rural counties and they are finding the opportunities in the Research Triangle that they are moving to this area as opposed to going back to where their parents are. He said Site Selection magazine just listed the 25 largest new projects in the United States and two of them were in the Triangle. Mr. Collins said he guesses that banks are the bases of the growth. Mr. Styers said that was right. Regence Bank is one of the largest real estate lending banks in the southeast and they are based out of Birmingham, Alabama; they had no presence in the Triangle and they are getting ready to open a five story office building for just the people that bank has moved to Raleigh to help finance real estate deals like this.

Ms. Farrell said that this Board sits here and reviews projects and she assumes that is where the data for the market analysis came from. Mr. Styers said they looked at how many lots have been approved for construction in this trade area. He said you see the number of moving vans moving people into this area, you see how much real estate is being sold in this area but you have not yet seen the retail catching up with the residential. He said that Buxton is about as good at this as there is, and they even advise local businesses, not just the big chains. He said they look at the houses, the discretionary income (like from the huge houses being built up Big Woods Road at places like the Preserve). If the Goodnight property is built to the projections, you might end up with another 1.5 million square feet needed on top of what Buxton has projected.

He said that this usually works with the stores signing a Letter of Intent that they would like to locate here if you will build the location for them. When the developer gets that LOI he will start gearing up for site plan approval, but we can't build anything until you approve the site plan and that site plan will be a building or two buildings as we build phase by phase and the tenants will be pretty much known and locked in to at least a percentage of that.

Monroe said that one of the important things to keep in mind as we proceed through this discussion is that Buxton defined this current market as a B to C market. What they are saying by that is that what is currently on the ground now is a C market. This is a market where we can expect Western Sizzler and Ace Hardware and those kinds of stores and the residential developments that are occurring will raise that to a B market which will get us in to Borders and other stores of that category. What we are seeing is that the value of the market is being elevated as new homes are being built on the periphery of Pittsboro. What we also have to keep in mind that Chatham County has approved 1.8 million square feet of retail in the 15-501 corridor and that Apex has added a million square feet to the retail they already had in place; and those uses will compete with this market. Their market is bigger because they have a residential concentration that we don't have yet; so they are eating up some of that capacity but they are still scabbing off from this side of the county people who will drive to Apex because it is not the Streets of Southpoint and they can get their shopping needs satisfied without having to go in to the Cary traffic. Mr. Howard said that was the reason he stopped going there because of the traffic,

Mr. Styers said that is the point. One thing, Mr. Monroe did not disagree with the numbers in the report, so the only thing they disagree with Monroe is at the end of his memo where he was saying that this kind of serves as an engine for further development. What the engine is a shopping center, it is not a project. An engine can be a residential project, but once residential is there, the engine is me, my kids, Nick Robinson, Jimmy Collins and Harold Howard, the people who live here, their neighbors, the people we go to church with, their children, our cousins, they are what drives retail development. This is not going to be built if the people are not here; people have to come first. Residential doesn't pitch, it catches. Once the people come, they are the engine that drives the retail; so the retail is going to come and the issue before you, what you have to decide here, is basically what type of retail you have. Do you have a master plan integrated, mixed use, attractive project with good standards that you can put controls on and restrictions on. We have proposed five pages of standards and we don't know if you have ever written that many standards on any project in this town; or do you do it on a piecemeal basis and you do it relatively close to what is going to be part of downtown or do you kind of scatter it around on the by-pass. The issue doesn't become whether retail is going to come, it is coming; the question simply becomes is it a good project. The market is going to support it, it is not going to be built if the people aren't there. The issue becomes, is it going to have the infrastructure and parks, the upgrade of the wastewater lines, and the water lines to serve it; is it a good location, etc. He said that right now people are spending their gas money driving to Apex, they want to come here but they won't drive as far and the TIA will tell you how we are going to handle the cars.

Ms. Farrell said she had a couple of questions. She wondered about the wastewater capacity, how much is there for this project. Mr. Styers said 15,000 gallons. Mr. Anton said there are four minor subdivisions in addition to the State Employees Credit Union and these qualify for an additional 9,000 gallons, so that makes 24,000 gallons. Monroe said he would have to take exception to that interpretation. The only one of those that qualifies for an 1800 gallon allocation is the SECU because they are separately owned. All of the rest of that land is owned by Pittsboro Place Partners and is part of the MUPD. At this point the allocation is 15,000 gallons. Ms. Farrell asked if they would

build out just to the 15,000 gallons. Mr. Styers said absolutely. He said it is in the conditions in the narrative that they would not/could not and it would be foolish to build out beyond what the allocation is. There is no way we are going to add what is available there so that is why we laid out a kind of a phasing plan. You can anticipate the first phase their engineers indicate that clearly they can handle a pharmacy, a restaurant, a grocery store, movie theaters, a bowling alley and a retail center (the buildings are shown in blue on the phase plan). He said that is what they believe they can build with their allotment and they would not present a site plan until they knew they had sufficient wastewater. He said it wouldn't make any sense to spend money on a building if you couldn't get a C.O. because you didn't have wastewater. He said that once they get to future phases (red and yellow buildings) they may be talking 10 to 15 years out. He said what they are here for now is just the rezoning for the parcel. Ms. Farrell asked if they were going to have people who would invest in this before you ever put it up. Mr. Styers said yes. He said for a large development like this there will be investors in place, there will be bank lending in place so they will have to confirm these numbers and then there will be tenants in place with at least a Letter of Intent. Those are preconditions before anything can come out of the ground. What the companies will ask is do you have water, sewer and zoning in place before they will sign a LOI. That is why the zoning is so crucial. Right now a theater would say well you don't have zoning in place so we can't commit to you. It doesn't make financial sense to start a project like this without those things in place. He said this is a long term plan but, short term, the phasing is consistent with the project, and these are all services they believe are supported. As a practical matter their engineers are telling them that restaurants in bowling alleys don't use a lot of water. He said there is at least 15,000 in place and he said they would be in touch with Mr. Messick about the other issues that may or may not arise with minor subdivisions. Mr. Collins asked if the buildings would be accessible to invalids or old people. Mr. Styers said everything would have to be accessible under the Americans with Disabilities Act.

Monroe said that he wanted to address a couple of things that Mr. Styers said. He said he did not want to in any way disagree with his comment that the residential has to come before the retail because Powell Place is the perfect example of that residential engine driving the retail; we are just starting to see some stimulus in the retail portion. But the comment at the end of my memo regarding this project being an engine goes back to a comment that Mr. Styers made and Mr. Jackson has made about how once these kinds of projects get on the ground and people start seeing what an attractive place it is it builds a momentum to increase the density of the project; and that is where the concept of the project being the engine came from. It is certainly a combination of the people going to that project but it also a function of the project presenting an enticing enough place to bring those people in. Mr. Styers said he doesn't disagree with that, that is why having a critical mass project close to downtown makes a lot of sense; it makes more sense than having a shopping center at the interchanges of the by-pass which are not going to be viable. The question is that if you have this critical mass you want to make sure that people can get in and get out with some ease of circulation. He said they are going to have a lot of cars, you can tell that by the number of parking spaces. He said it is in their interest to have a project that you can access. He said they cannot do anything without DOT driveway permits; DOT is going to hold their feet to the fire to show them that the

roadway improvements to allow cars to get into and out of this. So the second report was the Transportation Impact Analysis, and as Steve Green will explain to you, the numbers don't match because they are not meant to match, they are meant to be a worst case scenario. With a worst case scenario you look at what improvements you need to accommodate more than the maximum they are saying they will build on that chart. Ms. Farrell said that she thinks the team has done an exceptional job in preparing the information and she is very appraised of what it is going to look like as a concept but she said it is time to get on with the application to get everything that is needed to get to the place you want to get to. She said she is overloaded with all this information. She said she would like for the Board to take the information and move forward with the application so that the Board can go ahead and make a decision. Mr. Styers said he would like the Board to tell them what they want. He said that Mr. Hoyle and Mr. Monroe said that the Board would be prepared to vote next month. Mr. Hoyle said he did not say that; he said that the Board would consider if it was ready to vote. Monroe explained that the document Mr. Styers referred to at the beginning of the meeting was discussed at that meeting and it has been placed at your seat tonight. It is the set of revisions he was describing earlier and you haven't had a chance to see them yet so there is not really a reason to discuss them tonight. Monroe said that he hadn't had a chance to look at them yet but he thinks they will be more concise. Mr. Styers said that he had hoped that the Board could vote tonight, you said last month that time is money and they want to move on. He said he is hoping the Board would be ready to vote in June; he said that if the Board tells them what information they need and they will make sure they provide it. Mr. Collins said they have told the Board so many things and he can't absorb it that rapidly. Mr. Styers said that if the Board will tell them what they want they will get that information to them if you don't feel comfortable voting tonight; but they would like to be able to move forward with this and let you tell us if you think this is a good project or not.

If you need the time to talk about the Transportation study they can; he said they disagree with Mr. Monroe that there is a problem with the numbers, the numbers match. Besides, DOT has the final say on this. Ramey Kemp has been at work on this for a long time making sure the improvements are going to be in place.

Mr. Hoyle asked what the new white spot was on the plan; he said he didn't recall that being there before. Mr. Styers said that was something Mr. Monroe asked us to make sure was not included in the calculations. The parcel has been sold to the State Employees Credit Union; from an integration/master planning standpoint this will be included but from the MUPD zoning standpoint, it isn't part of the application. It was a good catch by Mr. Monroe.

Mr. Styers said the Board should tell him what they need and they will get that to them as soon as they can so the Board can make a decision on this. Ms. Farrell said she wants to compare the new handout to the list from last time. **Ms. Farrell made a motion that the Board table this item to make a decision at the next meeting. Mr. Collins seconded the motion saying there is just too much going on here.** Mr. Plummer said that this is, ultimately just a simple rezoning request and we have gone in to a whole lot of details. Mr. Howard said it seems to him that they could zone this for an MUPD just like the Board did out on the by-pass. He asked if Mr. Spoon didn't come back in and get another 1800 gallons of sewer after he got his MUPD zoning. Monroe explained that Mr. Spoon

could ask for the additional sewage capacity because he extracted a lot from the MUPD and asked it be rezoned to C-2.

Mr. Styers asked if the Board had any questions about the Transportation Analysis. Mr. Plummer re-iterated that it is just a rezoning request and he agrees that the issue about the minor subdivision does have to be resolved. He said they have given the Board a whole lot of information. Mr. Howard said that they were asked to give it to the Board. Mr. Plummer said that the Board does know what it is zoned now and that he had been in this town more than sixteen years and not much of anything has happened on that property. Mr. Jackson said they could build an infinite number of square feet there now as long as the use is M-2. Mr. Plummer said this is close to downtown and some people worry about it competing with downtown. Mr. Collins said a rezoning wouldn't have anything to do with competition. Mr. Collins asked if tabling this would interfere with their plans if we wait until next month. Mr. Styers said that time is money and they are concerned about the fact that this is five meetings they have been here. He said if the Board feels comfortable about voting next month and they can get a vote next month, that will be fine. Mr. Collins said the Board would try to do it. Mr. Styers said that is all anybody can ask is to try. Mr. Styers asked if the Board could tell them what they want the applicant to do next month. Mr. Hoyle called for the question. **The motion passed unanimously.**

Mr. Styers said they could have Mr. Green come in and talk about how they are going to accommodate traffic and how DOT is going to allow them to do that. He said they could have Mr. Gainey come in and talk about his wetland delineations and stream delineations and how they have been confirmed by the Corps of Engineers. He said Lucy Gallo could review her report showing that this will produce 1.3 million dollars in extra revenues. He asked if the Board would like them to come in and give that to the Board next month, or what can they do to help the Board be in a position to make a decision next month?

Mr. Hoyle asked if the document that was distributed before the meeting dated May 3, 2007, was an application for rezoning. Mr. Styers said that all that does is include the area of the proposed arboretum. Monroe said that is not entirely accurate. He pointed out that the balance of the package includes the draft statement that was distributed at the last meeting that precisely describes the exact zoning standards they are asking be applied to this project. He said with this document we finally have on paper the things they are asking the town to consider to allow this project to use as the zoning standards. Up until this point in time it has been very confusing because some of the information has been here and some there, and this document places it all in one location. He said that reviewing the Economic Impact Analysis, the Environmental Assessment and this document at the next meeting will give us the opportunity to feel whether or not we are comfortable making a recommendation. Mr. Styers said that if the Board has questions about the Economic or Environmental Studies, he or Mr. Anton could answer those tonight. He said he just wants to get the Board all the information they need to get them to the point where they can vote next month. Mr. Hoyle asked them to please not make any more changes in the submission. Mr. Styers said they would try.

Mr. Hoyle said that the TIA makes the basic assumption that the 15-501 by-pass is going to be on the east side. Mr. Green said that in doing their study they were not able to consider the by-pass being in place without TIP funding so they did a worst case scenario for the benefit if Pittsboro Place Partners and the town to see that if they continued the MUPD development onto the back part of the property, what would be the full impacts

and what would be the needed roadway improvements. He said that it is his understanding with Mr. Styers and Mr. Anton that there are other discussions that have occurred in terms of some other possibilities for the back area that might be more compatible with development which would radically change that. He said the road they showed in Phase 2B was strictly for if you build all this out, here is the road that would need to be built to accommodate that as well as what they assumed would be developing on the Preston Properties. Mr. Styers asked Mr. Green if it was safe to assume that if everything shown on the map were to be built it could be accommodated by widening Business 64 to the By-Pass without there being a new 15-501. Mr. Green said absolutely. Monroe said that assumes that no one will travel from the north down 15-501 through the Circle. He said he believes that is an erroneous assumption. The Market Analysis clearly demonstrated that a major part of Fearington Village was included in the trade area and was used to substantiate the number of square feet of retail this project would support. We have to assume that if Fearington Village is a part of the trade area, people are naturally going to drive 15-501 and come through the Traffic Circle to come to the project. He said in his conversations last week with Reuben Blakely of DOT, his expression was that in his opinion, the circle cannot handle any more traffic. Mr. Green said that what they have found in doing traffic studies over the years, regardless of the location, if you have a situation that is currently not able to handle any more capacity, people will find other ways around it. He said in this case, they will use the 64 by-pass or they will find other routes to a project such as this. Mr. Styers said they will come from the 64 by-pass to 64 business because that is going to be a four lane highway if they get to that point. Mr. Anton said that Mr. Blakely expressed that when they met with him and the Division Traffic Engineer as well. That it was a situation where the Traffic Circle was currently struggling and with continued growth it would have issues and that there was not a solution to fix it. He said that when people want to go to a destination, they find a way to get to it. Mr. Styers said their analysis found that this is not a great situation now, it won't ever be a great situation and that this wasn't going to incrementally worsen the situation. Mr. Green said that Phase 1 does not make it significantly worse at all and that if you didn't build anything on this property, with continued growth it is going to continue to deteriorate. Mr. Styers said that if they get to full build out it is going to be expensive to widen 64 all the way to the by-pass but DOT is likely to require that and all the studies have shown that would be sufficient. Any development that takes place near downtown is going to have to have a way for people to get there without going through the traffic circle. Mr. Green said that the only solution for the traffic circle as it exists right now, with or without this development is the 15-501 by-pass, more than likely on the west side of town. Mr. Styers said the TIA boiled it down to turn lanes and signalization and they could go through that right now. Ultimately, DOT has to sign off on it. Mr. Collins said that at 5:30 on a Friday afternoon it will be backed up for a mile, it is getting worse and worse. Mr. Styers said that Mr. Green had looked at the square footage of this project to see what kind of traffic would be generated and that is why they have suggested the widening of business 64. It is not a simple fix but one that DOT will require. Mr. Plummer said he would like to see a clarification of the sewer allocation, whether it is 15,000 or 24,000. Mr. Styers said he would call Mr. Messick this week. He said,

ultimately, they will only build what the sewer allocation can accommodate, just as they won't build any more than the transportation system can accommodate.

Mr. Hoyle said that they had a lot of documentation so far and there has been a new one dropped on the table tonight, and he asked Monroe if this new brief was concise enough that they could actually take a look at it at the next meeting. Monroe said that is his hope. He said he had not had a chance to look at it but he had conversations with Mr. Styers and he had been provided with a copy of the draft document. Mr. Styers said that although the document is labeled "Draft", the applicant is willing to live with all the requirements that are in it. He said they are just waiting for a response.

Mr. Hoyle asked Monroe if he would be prepared to have comments back to them. Monroe said he would have comments in the same form that he has had them as our experience, when they are distributed to the Board. Mr. Styers said that if they were ready before then that would be really helpful. He said they would rather not get that just a few days before the meeting in case there is other discussion they need to have in order to address the issues. Monroe said he would like to ask one thing of the applicant, that they be as considerate of time issues as they are asking him to be and not to deliver any more information at 5:02 on the day packets are distributed. Mr. Styers said they would do their best.

Mr. Hoyle continued on with Old Business on the Agenda and suggested that items 2 and 3 be postponed since there is no time constraint involved. The Board agreed.

Mr. Hoyle noted that the July meeting is scheduled for July 2 and suggested that be changed to the 16<sup>th</sup>. **Ms. Farrell made a motion that the meeting be changed to the 16<sup>th</sup>. Mr. Collins seconded the motion; it passed unanimously.**

Mr. Hoyle said that before the meeting Monroe had called to his attention that we have received applications for the alternates to the Board. Monroe said there is one application for the ETJ seat from Susan Levy. He said he had worked with her for about a year and a half on the Affordable Housing Task Force. He said there were two applications for the seat within the town: one from Billy Hughes and another from Cabel Regan, an attorney who lives on Thompson Street. **Ms. Farrell made a motion to recommend Billy Hughes. Mr. Plummer seconded the motion; the motion passed unanimously. Ms. Farrell made a motion to adjourn. Mr. Collins seconded the motion; the meeting was adjourned at 8:40.**